

Adopted	Rejected
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## COMMITTEE REPORT

YES:	27
NO:	0

### MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred House Bill 1161, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Page 4, line 20, after "items." insert "**Property may be sold**
- 2       **together only if the tract or item is owned by the same person.**".
- 3       Page 5, line 21, delete "street" and insert "**common**".
- 4       Page 5, between lines 24 and 25, begin a new line block indented
- 5       and insert:
- 6       "**(3) specify the minimum bid for each parcel;**".
- 7       Page 5, line 25, delete "(3)" and insert "**(4)**".
- 8       Page 5, line 42, delete "(4)" and insert "**(5)**".
- 9       Page 8, line 22, delete "IC 6-1.1-24-6.1(b)(3)." and insert
- 10      "**IC 6-1.1-24-6.1(b)(4).**".
- 11      Page 11, line 11, delete "4(a)" and insert "**4(a)(1)**".
- 12      Page 11, line 15, after "sale" insert ":".
- 13      Page 11, line 16, reset in roman "(A)".
- 14      Page 11, line 16, after "assignee" insert ";".

- 1 Page 11, line 16, reset in roman "or".
- 2 Page 11, reset in roman lines 17 through 19.
- 3 Page 11, line 20, delete ":".
- 4 Page 11, line 21, delete "(A)".
- 5 Page 11, line 21, delete ";".
- 6 Page 11, run in lines 20 through 21.
- 7 Page 11, line 22, delete "(B)".
- 8 Page 11, run in lines 21 through 22.
- 9 Page 11, line 26, delete "IC 6-1.1-24" and insert **"IC 6-1.1-24-6.1"**.
- 10 Page 11, line 38, delete "IC 6-1.1-24" and insert **"IC 6-1.1-24-6.1"**.
- 11 Page 14, line 42, delete "IC 6-1.1-24" and insert **"IC 6-1.1-24-6.1"**.
- 12 Page 19, after line 7, begin a new paragraph and insert:  
13 "SECTION 9. IC 36-1-11-5 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) As used in this  
15 section, "abutting landowner" means an owner of property that:  
16 (1) touches, borders on, or is contiguous to the property that is the  
17 subject of sale; and  
18 (2) does not constitute a:  
19 (A) public easement; or  
20 (B) public right-of-way.  
21 (b) As used in this section, "offering price" means the appraised  
22 value of real property plus all costs associated with the sale, including:  
23 (1) appraisal fees;  
24 (2) title insurance;  
25 (3) recording fees; and  
26 (4) advertising costs.  
27 (c) If the assessed value of a tract of real property to be sold is less  
28 than ~~five~~ **fifteen** thousand dollars (~~\$5,000~~), (**\$15,000**), based on the  
29 most recent assessment of the tract or of the tract of which it was a part  
30 before it was acquired, the disposing agent may proceed under this  
31 section.  
32 (d) The disposing agent may determine that:  
33 (1) the highest and best use of the tract is sale to an abutting  
34 landowner;  
35 (2) the cost to the public of maintaining the tract equals or  
36 exceeds the estimated fair market value of the tract; or  
37 (3) it is economically unjustifiable to sell the tract under section  
38 4 of this chapter.

(e) Within ten (10) days after the disposing agent makes a determination under subsection (d), the disposing agent shall publish a notice in accordance with IC 5-3-1 identifying the tracts intended for sale by legal description and, if possible, by key number and street address. The notice must also include the offering price and a statement that:

(1) the property may not be sold to a person who is ineligible under section 16 of this chapter; and

(2) an offer to purchase the property submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:

(A) beneficiary of the trust; and

(B) settlor empowered to revoke or modify the trust.

At the time of publication of notice under this subsection, the disposing agent shall send notice by certified mail to all abutting landowners. This notice shall contain the same information as the published notice.

(f) The disposing agent shall also have each tract appraised. The appraiser must be professionally engaged in making appraisals, a person licensed under IC 25-34.1, or an employee of the political subdivision who is familiar with the value of the tract. However, if the assessed value of a tract is less than ~~two six~~ thousand dollars ~~(\$2,000)~~, **(\$6,000)**, based on the most recent assessment of the tract or of the tract of which it was a part before it was acquired, the disposing agent is not required to have the tract appraised.

(g) If, within ten (10) days after the date of publication of the notice under subsection (e), the disposing agent receives an eligible offer to purchase a tract listed in the notice at or in excess of the offering price, the disposing agent shall conduct the negotiation and sale of the tract under section 4(c) through 4(g) of this chapter.

(h) Notwithstanding subsection (g), if within ten (10) days after the date of publication of the notice under subsection (e) the disposing agent does not receive from any person other than an abutting landowner an eligible offer to purchase the tract at or in excess of the offering price, the disposing agent shall conduct the negotiation and sale of the tract as follows:

(1) If only one (1) abutting landowner makes an eligible offer to purchase the tract, then subject to section 16 of this chapter and without further appraisal or notice, the disposing agent shall offer to negotiate for the sale of the tract with that abutting landowner.

1           (2) If more than one (1) eligible abutting landowner submits an  
2           offer to purchase the tract, the other eligible abutting landowners  
3           who submit offers shall be informed of the highest offer received  
4           and be given an opportunity to submit one (1) additional offer.  
5           The tract shall be sold to the eligible abutting landowner who  
6           submits the highest offer for the tract and who complies with any  
7           requirement under subsection (e)(2).  
8           (3) If no eligible abutting landowner submits an offer to purchase  
9           the tract, the disposing agent may sell the tract to any person who  
10          submits the highest offer for the tract, except a person who is  
11          ineligible to purchase the tract under section 16 of this chapter."  
12          Renumber all SECTIONS consecutively.  
            (Reference is to HB 1161 as introduced.)

**and when so amended that said bill do pass.**

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Representative Crawford